

Jeremy Branch (State Bar No. 303240)  
The Law Offices of Jeffrey Lohman, P.C.  
4740 Green River Rd., Suite 206  
Corona, Ca 92880  
(866) 329-9217 xt. 1009  
[JeremyB@jlohman.com](mailto:JeremyB@jlohman.com)

Attorney for Plaintiff  
CHARLA DAVIS

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CHARLA DAVIS,  
Plaintiffs,  
v.

NAVIENT SOLUTIONS, LLC,  
Defendant.

**Case No.:**  
**PLAINTIFF'S COMPLAINT**  
**(Unlawful Debt Collection Practices)**

CHARLA DAVIS (Plaintiff), by her attorney, alleges the following against  
NAVIENT SOLUTIONS, LLC, (Defendant):

1. Plaintiff brings this action on behalf of herself individually seeking damages  
and any other available legal or equitable remedies resulting from the illegal  
actions of Defendant, in negligently, knowingly, and/or willfully contacting  
Plaintiff on Plaintiff's cellular telephone in violation of the Telephone

1 Consumer Protection Act (hereinafter “TCPA”), 47 U.S.C. § 227 *et seq* and  
2 in violation of California’s Rosenthal Fair Debt Collection Practices Act  
3 (hereinafter “RFDCPA”), Ca Civ. Code § 1788.17.

## 4 5 **JURISDICTION AND VENUE**

- 6 2. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and 47 U.S.C.  
7 §227(b)(3). See, *Mims v. Arrow Financial Services, LLC*, 132 S.Ct. 740  
8 (2012), holding that federal and state courts have concurrent jurisdiction over  
9 private suits arising under the TCPA.  
10  
11 3. Venue is proper in the United States District Court for the Central District of  
12 California pursuant to 28 U.S.C § 1391(b) because Plaintiff resides within  
13 this District and a substantial part of the events or omissions giving rise to the  
14 herein claims occurred, or a substantial part of property that is the subject of  
15 the action is situated within this District.  
16  
17

## 18 **PARTIES**

- 19 4. Plaintiff is a natural person residing in Los Angeles County, in the city of  
20 Torrance, California.  
21  
22 5. Defendant is a corporation with headquarters in Wilmington, Delaware doing  
23 business in the State of California.  
24  
25 6. At all times relevant to this Complaint, Defendant has acted through its agents  
employees, officers, members, directors, heir, successors, assigns, principals,

trustees, sureties, subrogees, representatives and insurers.

### FACTUAL ALLEGATIONS

7. Defendant is a “person” as defined by 47 U.S.C. § 153 (10).

8. Defendant placed collection calls to Plaintiff seeking and attempting to collect on alleged debts incurred through purchases made on credit issued by Defendant.

9. Defendant placed collection calls to Plaintiff’s cellular telephone at phone number (412) 944-73XX.

10. Defendant places collection calls to Plaintiff from phone numbers including, but not limited to (856) 242-2502, (202) 899-1316, (317) 550-5602, (765) 637-0795, (877) 321-5017, (703) 439-1081, (512) 354-2002, (570) 904-8750, (302) 261-5690, (615) 432-4232, (513) 914-4615.

11. Per its prior business practices, Defendant’s calls were placed with an automated dialing system (“auto-dialer”).

12. Defendant used an “automatic telephone dialing system”, as defined by 47 U.S.C. § 227(a) (1) to place its telephone calls to Plaintiff seeking to collect a consumer debt allegedly owed by Plaintiff, CHARLA DAVIES.

13. Defendant’s calls constituted calls that were not for emergency purposes as defined by 47 U.S.C. § 227(b)(1)(A).

1 14. Defendant's calls were placed to a telephone number assigned to a cellular  
2 telephone service for which Plaintiff incurs a charge for incoming calls  
3 pursuant to 47 U.S.C. § 227(b)(1).

4 15. Defendant never received Plaintiff's "prior express consent" to receive calls  
5 using an automatic telephone dialing system or an artificial or prerecorded  
6 voice on her cellular telephone pursuant to 47 U.S.C. § 227(b)(1)(A).

7  
8 16. On September 11, 2017, Plaintiff called into Defendant's company at phone  
9 number (856) 242-2502. Plaintiff spoke with Defendant's male  
10 representative and requested that Defendant cease calling Plaintiff's cellular  
11 phone.  
12

13 17. During the conversation, Plaintiff gave Defendant her social security number  
14 to assist Defendant in accessing her account before asking Defendant to stop  
15 calling her cell phone.  
16

17 18. Plaintiff revoked any consent, explicit, implied, or otherwise, to call her  
18 cellular telephone and/or to receive Defendant's calls using an automatic  
19 telephone dialing system in her conversation with Defendant's representative  
20 on September 11, 2017.  
21

22 19. Despite Plaintiff's request to cease, Defendant placed another two (2)  
23 collection calls to Plaintiff on September 12, 2017.  
24  
25

1 20. Defendant continued to place collection calls to Plaintiff using an automatic  
2 Telephone Dialing System.

3 21. Despite Plaintiff's request that Defendant cease placing automated collection  
4 calls, Between September 11, 2017, and the present, Defendant placed at least  
5 one hundred and nineteen (119) automated calls to Plaintiff's cell phone.  
6

7 **FIRST CAUSE OF ACTION**  
8 **NEGLIGENT VIOLATIONS OF THE TELEPHONE CONSUMER**  
9 **PROTECTION ACT**  
10 **47 U.S.C. § 227**

11 22. Plaintiff repeats and incorporates by reference into this cause of action the  
12 allegations set forth above at Paragraphs 1-21.

13 23. The foregoing acts and omissions of Defendant constitute numerous and  
14 multiple negligent violations of the TCPA, including but not limited to each  
15 and every one of the above cited provisions of 47 U.S.C. § 227 et seq.  
16

17 24. As a result of Defendant's negligent violations of 47 U.S.C. § 227 et seq.,  
18 Plaintiff is entitled to an award of \$500.00 in statutory damages, for each and  
19 every violation, pursuant to 47 U.S.C. § 227(b)(3)(B).  
20

21 25. Plaintiff is also entitled to seek injunctive relief prohibiting such conduct in  
22 the future.

23 ///

24 ///

1                                   **SECOND CAUSE OF ACTION**  
2                                   **KNOWING AND/OR WILLFUL VIOLATIONS OF THE TELEPHONE**  
3                                   **CONSUMER PROTECTION ACT**  
4                                   **47 U.S.C. § 227 et. seq.**

5           26.Plaintiff repeats and incorporates by reference into this cause of action the  
6           allegations set forth above at Paragraphs 1-21.

7           27.The foregoing acts and omissions of Defendant constitute numerous and  
8           multiple knowing and/or willful violations of the TCPA, including but not  
9           limited to each and every one of the above cited provisions of 47 U.S.C. §  
10          227 et seq.

11          28.As a result of Defendant's knowing and/or willful violations of 47 U.S.C. §  
12          227 et seq., Plaintiff is entitled an award of \$1,500.00 in statutory damages,  
13          for each and every violation, pursuant to 47 U.S.C. § 227(b)(3)(B) and 47  
14          U.S.C. § 227(b)(3)(C).

15          29.Plaintiff is also entitled to seek injunctive relief prohibiting such conduct in  
16          the future.

17                                   **THIRD CAUSE OF ACTION**  
18                                   **DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT**  
19                                   **COLLECTION PRACTICES ACT**  
20                                   **CA CIV CODE § 1788.17**

21          30.Plaintiff repeats and incorporates by reference into this cause of action the  
22          allegations set forth above at Paragraphs 1-21.

23          31.Defendant violated the RFDCPA based on the following:  
24  
25

1 a. Defendant violated the §1788.17 of the RFDCPA by continuously  
2 failing to comply with the statutory regulations contained within the  
3 FDCPA, 15 U.S.C. § 1692 et seq.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff, CHARLA DAVIES, respectfully requests judgment  
6 be entered against Defendant, NAVIENT SOLUTIONS, LLC., for the following:  
7

8 **FIRST CAUSE OF ACTION**

9 32.For statutory damages of \$500.00 multiplied by the number of negligent  
10 violations of the TCPA alleged herein (119); \$59,500.00;  
11

12 33.Actual damages and compensatory damages according to proof at time of  
13 trial;

14 **SECOND CAUSE OF ACTION**

15 34.For statutory damages of \$1,500.00 multiplied by the number of knowing  
16 and/or willful violations of TCPA alleged herein (119); \$178,500.00;  
17

18 35.Actual damages and compensatory damages according to proof at time of  
19 trial;

20 **THIRD CAUSE OF ACTION**

21 36.Declaratory judgment that Defendant's conduct violated the Rosenthal Fair  
22 Debt Collection Practices Act;

23 37.Statutory damages of \$1000.00 pursuant to the Rosenthal Fair Debt  
24 Collection Practices Act, *Cal. Civ. Code §1788.30(b)*;  
25

1 38.Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt  
2 Collection Practices Act, *Cal. Civ Code § 1788.30(c)*, and;

3 39.Actual damages and compensatory damages according to proof at time of  
4 trial;

5  
6 **ON ALL CAUSES OF ACTION**

7 40.Actual damages and compensatory damages according to proof at time of  
8 trial;

9 41.Costs and reasonable attorneys' fees, and;

10 42.Any other relief that this Honorable Court deems appropriate.

11 **JURY TRIAL DEMAND**

12 43.Plaintiff demands a jury trial on all issues so triable.

13  
14 RESPECTFULLY SUBMITTED

15  
16 Dated: June 24, 2018

17 By: /s/ Jeremy Branch  
18 Attorney for Plaintiff CHARLA DAVIS  
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